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January 9, 2007

VIA CM/ECF & FAX

Honorable Mary Pat Thyng
United States District Court
Lockbox 10, 844 King Street
Wilmington, Delaware 19801

Re: *Abbott Laboratories et al. v. Teva Pharmaceutical USA, Inc. et. al.*,
C.A. No. 02-1512 (consolidated) *** (MPT);
Abbott Laboratories et al. v. Impax Laboratories Inc., C.A. No. 03-120
(consolidated) *** (MPT);
In re TriCor Direct Purchaser Antitrust Litigation, C.A. No. 05-340 *** (MPT);
In re TriCor Indirect Purchaser Antitrust Litigation, C.A. No. 05-360 *** (MPT)

Dear Magistrate Thyng:

We are Delaware counsel for certain individual direct purchaser plaintiffs in the above action. I will be on the conference call tomorrow along with my co-counsel Joseph Lukens of Hanglely Aronchick Segal & Pudlin and Scott Perwin of Kenny Nachwalter. Mr. Lukens represents Rite Aid Corp., Rite Aid Hdqtrs. Corp. and CVS Corporation ("Direct Purchaser Plaintiffs"). Mr. Perwin represents Walgreen Co.; Eckerd Corp.; The Kroger Co.; Maxi Drug, Inc. d/b/a Brooks Pharmacy; Albertson's, Inc.; Safeway, Inc.; Hy-Vee, Inc. and American Sales Co., Inc.

In response to the Court's order of January 5 2007, we hereby submit the following proposed revised schedule on behalf of the various parties that have filed antitrust claims against Abbott and Fournier with respect to Abbott's and Fournier's alleged wrongful conduct in preventing generic competition to their drug TriCor® (fenofibrate). To assist the Court, we also are providing a brief description of the various antitrust claimants and the relationship of their several cases against Abbott and Fournier.

The antitrust claimants in this litigation are:

(a) Teva Pharmaceuticals USA, Inc., Teva Pharmaceutical Industries Ltd., and Novopharm Ltd. (collectively "Teva"), a manufacturer of generic drug products. Teva filed antitrust counterclaims against Abbott and Fournier in Civil Action No. 02-1512, a case that originated as a patent infringement lawsuit by Abbott and Fournier against Teva.

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(b) Impax Laboratories, Inc. ("Impax"), a manufacturer of generic drug products. Impax filed antitrust counterclaims against Abbott and Fournier in Civil Action No. 03-120 (and consolidated cases), a case that originated as a patent infringement lawsuit by Abbott and Fournier against Impax.

(c) The Direct Purchaser Plaintiffs, which include both the Direct Purchaser Class and two non-class Direct Purchaser groups, the CVS/Rite Aid group and the Walgreen group. The various Direct Purchaser lawsuits have been consolidated in Civil Action No. 05-340.

(d) The Indirect Purchaser Plaintiffs, which include both the Indirect Purchaser Class and one non-class Indirect Purchaser Plaintiff, Pacificare. The various Indirect Purchaser lawsuits have been consolidated in Civil Action No. 05-360.

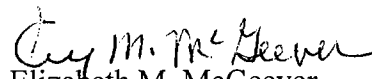
The various antitrust claimants are represented by separate counsel. Their claims have been coordinated for pretrial purposes but the cases have not, however, been formally consolidated with each other. Moreover, various antitrust claimants reserve the right to seek separate trials against Abbott and Fournier, in part because of the differing (and in some cases inconsistent) damage measures applicable in the various cases. This issue has been raised with the Court, but the Court reserved the issue to be resolved at a later date. *See* 10/24/05 Transcript, at 12-13. We do not believe that the Court needs to resolve the issue of trial structure now, but we raise it so the Court is aware that the issue will be presented again as the litigation gets closer to trial.

The antitrust claimants propose the following revised schedule:

<u>Event</u>	<u>Original Date</u>	<u>Revised Date</u>
Rebuttal expert reports	January 30, 2007	March 14, 2007
Reply expert reports	February 28, 2007	April 30, 2007
Close of expert discovery	March 30, 2007	June 15, 2007
Dispositive motions filed	May 2, 2007	August 1, 2007
Trial date	November 26, 2007	Unchanged

Thank you for your consideration of this letter.

Respectfully,


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 (DE Bar ID No. 2057)

cc: All Counsel of Record

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